

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CONSUMER FINANCIAL PROTECTION BUREAU**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:16-cv-00356-WHB-JCG**

**ALL AMERICAN CHECK CASHING, INC.;  
MID-STATE FINANCE, INC.; and  
MICHAEL E. GRAY, individually**

**DEFENDANTS**

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**NOTICE OF SUPPLEMENTAL AUTHORITY**

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Plaintiff Consumer Financial Protection Bureau respectfully submits this notice to advise the Court and defendants of recent authority concerning the constitutionality of the provision of the Bureau’s organic statute permitting the President to remove the Bureau Director only for cause, an issue raised in defendants’ pending motion for judgment on the pleadings. On January 31, 2018, the D.C. Circuit, sitting en banc, issued the attached decision in *PHH Corp. v. CFPB*, No. 15-1177 (D.C. Cir.) (en banc). The D.C. Circuit held that the “provision of the Dodd-Frank Wall Street Reform and Consumer Protection Act shielding the Director of the CFPB from removal without cause is consistent with Article II.” *PHH*, slip op. at 5. The court also addressed the constitutionality of the Bureau’s funding—another issue raised by defendants—and held that “Congress can, consistent with the Appropriations Clause, create governmental institutions” that are funded outside of “the ordinary appropriations process,” and that the Bureau’s funding source “has no constitutionally salient effect on the President’s power.” *Id.* at 39, 40.

Dated: February 5, 2018

Respectfully submitted,

CONSUMER FINANCIAL PROTECTION BUREAU

KRISTEN DONOGHUE  
Enforcement Director

CARA PETERSEN  
Deputy Enforcement Director for Litigation

R. GABRIEL D. O'MALLEY  
Assistant Litigation Deputy

s/Emily Mintz

EMILY MINTZ (VA Bar No. 82437)

Phone: (202) 435-9424

Email: emily.mintz@cfpb.gov

MICHAEL FAVRETTO (NY Bar No. 4508727)

Phone: (202) 435-7785

Email: michael.favretto@cfpb.gov

STEPHANIE BRENOWITZ (NY Bar No. 4317418)

Phone: (202) 435-9005

Email: stephanie.brenowitz@cfpb.gov

Enforcement Attorneys

Consumer Financial Protection Bureau

1700 G Street NW

Washington, DC 20552

Facsimile: (202) 435-7722

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

s/Emily Mintz

EMILY MINTZ (VA Bar No. 82437)

Phone: (202) 435-9424

Email: emily.mintz@cfpb.gov

Enforcement Attorney

Consumer Financial Protection Bureau

1700 G Street NW

Washington, DC 20552

Facsimile: (202) 435-7722